



**MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 19, 2002, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

This month's Pride in Hayward Awards were presented to homeowners in the Harder-Tennyson neighborhood as follows: Manuel and Zenaida Vargas, Herschel Stephens, Anthony and Sharon Rozewski, Albert and Lillian Cothren and Anton and Doris Newell.

PUBLIC COMMENTS

Nicholas Terry said he was condemning the Police Department. He commented that he cared about his family's safety.

Evelyn Lutes spoke regarding a property she purchased which, she sold to a developer who was told it was zoned incorrectly. She was told staff would deal with this issue.

Jim Gonzales, Castro Valley, said he was speaking on behalf of the South County Peace and Justice Coalition. He noted that many of the immigrants in the area have been harassed. He asked for a resolution from Council to be adopted indicating opposition to the Patriot Act.

Karen Ashikeh noted that many people have disappeared and have been detained since 9-11. She commented that on February 20 there would be a Solidarity Day for these people.

Francisco Abrantes commented about the condition of businesses in the downtown area. He commented on the City budget.

Aline Nunes, Castro Valley, commented on the reaction of Council members to comments made by her daughter a few weeks ago.

Laurie Jackel also commented on this reaction as well.

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Jason Moreno said he admired the courage of the children who came before Council. He then outlined the three-point plan proposed by three of the candidates for Mayor and City Council.

Suzanne Cox commented about living in Hayward and commuting to work. She notified Council that the Police Officer who responded to a call from her neighborhood did not discuss the issue with them. She also discussed loitering.

Harry Scott discussed the "No Room for Racism" sign on the City limits. He also talked about the National Day of Solidarity on February 20.

Pat Kellner also discussed the National Day of Solidarity.

Frank Goulart discussed the Candidates Night held recently.

Walter Remstedt notified members that he had filed a lawsuit against the City of Hayward to be heard on March 25th.

Barbara Heringer-Swarr decided that the community should elect people who are more empathetic to the needs of the people.

Robert Lopez discussed his candidacy.

Jim Drake brought a videotape of the homes in his neighborhood. He asked for consideration of the problems he sees there.

Henry Villalobos, president of Aztecs of North America, noted that he was told they would get State recognition.

Lou Filipovich, San Leandro, discussed term limits and districting on a local level.

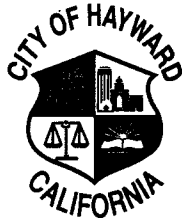
CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of February 5, 2002

It was moved by Council/RA Member Henson, seconded by Council/RA Member Hilson, and carried, with Council/RA Member Ward abstaining due to his absence, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of February 5, 2002.

2. Pavement Rehabilitation (TCRP): Approval of Addendum and Award of Contract

Staff report submitted by Deputy Director of Public Works
Bauman, dated February 19, 2002, was filed.



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It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 02-010, "Resolution Approving Addendum No. 1 for the Pavement Rehabilitation (TCRP) Project, Project Nos. 5107, 5165, 6928 and 6827, and Awarding contract to Gallagher & Burk, Inc."

3. Airport Sound Wall: Approval of Addenda and Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated February 19, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 02-011, "Resolution Approving Addenda Nos. 1 and 2 for the Airport Sound Wall Project, Project No. 6827, and Awarding contract to Magdave Associates, Inc."

4. Fire Station No. 2 Driveway: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated February 19, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 02-012, "Resolution Approving the Plans and Specifications for the Fire Station No. 2 Driveway Project, Project No. 6959, and Call for Bids"

5. Fire Station No. 5 Modifications: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated February 19, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

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Resolution 02-013, "Resolution Approving the Plans and Specifications for the Fire Station No. 5 Modification Project, Project No. 6926, and Call for Bids "

6. Resolution of Intention for the Establishment of Underground District No. 26 for Mission Blvd, from Harder Road to Calhoun Street, and Authorization for the City Manager to Execute a Professional Services Agreement for Street Light Design

Staff report submitted by Deputy Director of Public Works Bauman, dated February 19, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 02-014, "Resolution of Intention to Consider the Establishment of Underground District No. 26 for Mission Boulevard from Harder Road to Calhoun Street; Setting a Time and Place for Hearing; and Authorizing the City Manager to Execute a Professional Services Agreement"

7. Police Station Entrance and Communications Center Modifications: Award of Contract and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Bauman, dated February 19, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 02-015, "Resolution Awarding Contract to cje/RTE (JV) Construction, Inc. for the Police Station Entrance and Communication Center Modifications Project, Project No. 6933 and 6934"

Resolution 02-016, "Resolution Amending Resolution 01-095, as Amended, the Budget Resolution for Fiscal Year 2001-02 for a Transfer of Funds to the Capital Improvement Fund, Fund 410 and Amending Resolution 01-097 the Budget Resolution for Capital Improvements for Fiscal Year 2001-02 for an Appropriation of Funds to the Communications Center Project, Project No. 6934"

8. Authorization to Acquire 229 C Street



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Staff report submitted by Redevelopment Director Bartlett, dated February 19, 2002, was filed.

It was moved by Council/RA Member Henson, seconded by Council/RA Member Dowling, and unanimously carried to adopt the following:

RA Resolution 02-02, "Resolution Authorizing the Acquisition of 229 C Street and Allocating Funds to Purchase the Property"

HEARINGS

9. Amendment of Benefit District 407-95, Arbutus Court Sanitary Sewer Benefit District, to Annex Nineteen Properties into the District - John Caldwell (Applicant)

Staff report submitted by Assistant Planner Koonze, dated February 19, 2002, was filed.

Deputy Director of Public Works Bauman described the property and the history of the annexation. He noted the properties requesting annexation. The annexation revised the fees. He then responded to Council Member's questions, describing the contact with property owners in the area. He noted that this is similar to most other agreements between the City and property owners outside of the City limits. As to future requests, the City of Hayward is planning to increase their sewer capacity.

Mayor Cooper opened the public hearing at 9:10 p.m.

Chris Ferreira lives within the benefit district. She expressed concern regarding the agreement. She said they have spent a lot of money repaving the road and would like information regarding this investment. She was told that all of the connections would be private.

Deputy Director of Public Works Bauman responded that the City is only giving permission to connect the sewer to their properties.

Charles Snipes, President of the Fairview Community Club, expressed concern about zoning in the area. He said the lots are zoned for one acre. He was told that the designation from the City is similar to those of the County.

Dick Angel discussed the problems with maintaining the quality of the road during this process.

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City Manager Armas suggested City staff would work with County staff and the affected property owners to coordinate the arrangements for any cuts in the street in order to minimize any damage.

Paul Martin discussed the road service in the area and how it would be handled with the hook-up. Their impression is that there would be minimal damage to the road with this project. He asked for a favorable decision on this matter.

John Caldwell, the petitioner, expressed concern as to how the process was handled. He said he wrote a letter regarding this matter.

Mayor Cooper closed the public hearing at 9:48 p.m.

Council Member Ward moved to amend the Benefit District and directed staff to meet with Alameda County staff and affected owners to address concerns related to the private street.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to introduce and adopt the following:

Resolution 02-017, "Resolution Amending Benefit District 407-95, Arbutus Court Sanitary Sewer Benefit District, to Annex Nineteen Properties into the District and Approving the Amended Engineer's Report and the Method for Calculating the Fee Charged to the District's Properties"

LEGISLATIVE BUSINESS

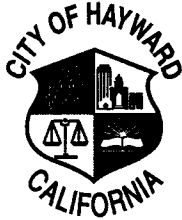
10. Review of Revised Elevations and Site Plan for Zone Change Application No. 2001-0135 to Planned Development and Tentative Tract Map 7215 - Warraich Construction (Applicant/Owner) - The Property is Located at 308 Valle Vista Avenue at the Northeast Corner of Dixon Street

Staff report submitted by Associate Planner Camire, dated February 19, 2002, was filed.

Director of CED Ehrenthal made the staff report depicting the previous elevations and the revised elevations, noting various changes including the distinctive entries, ornamental iron balcony railing, additional facades and planting trellises, as well as the alternating colors of the units. She also noted the larger group open space and additional parking.

Council Member Ward said he was impressed with the changes, although he had concerns about the color combinations.

He was told that the colors were more vivid than the color board.



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Council Member Hilson said he was still concerned about the safety element of the group open space. He suggested a textured paving surface rather than asphalt. He also noted the problems with a bathroom opening into the kitchen area.

Council Member Henson also discussed the color scheme. He commented that the colors presented for the entry arches were too dark to be inviting. He suggested lighter, warmer colors. He also inquired about the lighting plan for the group open space. He was told there was no lighting plan. He suggested one be included as part of the conditions of approval, requiring decorative fixtures. He also asked staff to reiterate the parking plan. He was told the previous design only had end units with two-car garages; this plan has each unit with two-car garages. He was highly critical of encouraging excessive street parking.

Mayor Cooper opened the public at 10:11 p.m.

David Ruffin, Pleasant Hill, architect of the project, responded to Council questions and concerns. He noted that they are trying to come close to a brick color. He said there will be appropriate lighting as well as berms and vegetation for safety. He did not anticipate a great deal of traffic since it is a private area. He also indicated that the bathroom is not directly off the kitchen since there is a corridor between the two spaces. Council Member Hilson asked for further information on the colors. He noted that the front color was very powerful to him. He was told the entry arches would have a lighter color on the inside. Mr. Ruffin added that each home has a distinctive color for individuality.

Jason Moreno commented on staff's value judgment during the presentations.

Henry Villalobos said he liked the new plan since the brickwork makes it look richer.

Jim Drake commented on the group open space and the use of this space by children.

Mr. Virgin asked about the amount of time spent on discussing the color.

Mayor Cooper closed the public hearing at 10:29 p.m.

It was moved by Council Member Dowling, seconded by Council Member Rodriguez, and unanimously carried to introduce and adopt the following:

Resolution 02-18, "Resolution Approving the Revised Elevations
and Site Plan in Connection with Zone Change Application No.
2001-0135 and Tentative Map Tract 7215"

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COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:31 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency